IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.119 OF 2006
IN
WRIT PETITION NO.7081 OF 2005

Rajiv P. Samani Petitioner

versus

Mrs.Dipti R. Samani Respondent

Petitioner in person.

Mr.Chetan Mehta for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd August 2006

PC :

1. This review petition is to recall an order passed by me by consent of both sides in the main writ petition.

2. The main Writ Petition under Article 227 of the Constitution of India was directed against the orders passed by the Family Court on 27th April 2005 below Exhibit-60 in M.J.Petition No. A-1259/2003. The review petitioner prays that this order be set aside and his written statement be taken on record in the main matrimonial petition.

3. When the writ petition was placed before me, I was informed that on account of the settlement arrived at before the Mediator, the parties have decided to convert the main Matrimonial Petition into a petition for divorce by mutual consent invoking jurisdiction of the Family Court u/s 13(B) of the Hindu Marriage Act, 1955. The petition, therefore, was disposed off in the light of this agreement and granting liberty to the parties to approach the Family Court.

4. Now, the petitioner has placed before me the fact that the parties have not been able to arrive at any settlement and present a petition for divorce by mutual consent. On the other hand, the main writ petition has been disposed of without any adjudication and only in the light of statement of parties. Now that they are not settling the matter and the Family Court proceedings are pending, appropriate orders be passed recalling my order dated 16th February 2006 in the writ petition.

5. There is no reply to the review petition and Shri Mehta appearing for the respondent-wife does not dispute the fact that there is no settlement and a consent petition is indeed not filed.

6. In these circumstances and in the interest of justice, my order dated 16th February 2006 is recalled. Review application is allowed. The main writ petition be placed for hearing. No order as to costs.

(S.C.DHARMADHIKARI, J.)